



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 8610-98
11 October 2000

[REDACTED]

Dear [REDACTED]:

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 5 October 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the enclosed advisory opinion furnished by a designee of the Specialty Leader for Psychiatry.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. It was not persuaded that you suffered any ratable conditions at the time of your discharge from the Marine Corps other than arthralgia, or that you were entitled to a disability rating of 30% or higher for the arthralgia, which is the minimum required in order to qualify for disability retirement. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official

records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

NAVAL MEDICAL CENTER, SAN DIEGO, CALIFORNIA

TO: CHAIRMAN, BOARD FOR CORRECTIONS OF NAVAL RECORDS
FROM: [REDACTED] MD, LCDR MC, USNR

SUBJECT:

Comments and recommendations in the case of former [REDACTED]
[REDACTED]

REFERENCE:

1. BCNR file.
2. Service record.
3. VA records, medical records.

[REDACTED] has requested that the Board for Corrections of Naval Records show that at the time of his discharge, that he was suffering from post traumatic stress disorder, depression, and fatigue and anxiety neurosis. Mr. [REDACTED] was on the USS Liberty on June 7, 1967, when it was attacked. He subsequently served in Vietnam between 1969 and 1970. Many of the records that were sent to me revolve around [REDACTED] attempts to obtain a Medal of Honor. I will not comment on this issue, and I will only comment on his issue of medical disability.

The only medical record after his discharge that I have received is a record dated December 11, 1997, by John Smothers, Ph.D. I do not have any records, showing that [REDACTED] has actually sought any psychiatric care.

On June 8, 1967, the USS Liberty came under shell fire. [REDACTED] was below the deck at that time. He apparently carried several men to safety, but has no clear memory of these events.

Summary of record provided by [REDACTED] Ph.D., dated December 11, 1997: After he left the service he tried several different jobs and occupations and did not stay with any of them very long. He started two businesses that failed. Mr. [REDACTED] claimed to Dr. [REDACTED] that stress and preoccupation about his combat experience in general and his experience on the Liberty had badly damaged his sense of resiliency and his ability to take care of himself. "He particularly thinks that his life-saving efforts, at the great risk of personal danger, had been overlooked."

[REDACTED]'s history reveals that after his military discharge, he worked with a contractor for two years. He then started his own book and gift store that he lost within two years. He sold insurance for three years and then was terminated. He tried to be a service station manager for Exxon, but resigned within the year. He returned to heavy construction, but injured his back. He worked as an associate minister for approximately a year and then resigned. According to the record, as a minister Mr. [REDACTED] was asked to contribute much to the church. This apparently depleted his savings from his military retirement and

he never saw the money again.

_____ briefly had his own trucking company. He then worked as an employee and truck driver for a wholesale grocery type company. The report goes on to state that Mr. _____ has kept in contact with current active military organizations, but feels he has received no recognition for his service. The report states "_____ believes that the United States Government has not acknowledged this antecedent because the armed services of a friendly government reportedly initiated the attack. The client believes that the government has not acknowledged heroic actions taken by him and other service personnel for similar reasons. He acknowledges being quite angry about this lack of support."

Dr. _____ diagnosed _____ with post traumatic stress disorder.

OPINION:

It is my opinion, that _____'s claim should be denied. His records, reveal that he is a man who feels bitter over how he has been treated by the United States Government. He feels that he is entitled to receive a Medal of Honor. _____ has spent considerable time and effort to document his service in the military and to try to obtain a Medal of Honor.

I will first address the items of post traumatic stress disorder, that Dr. _____ has noted.

1. The patient has experienced a life-threatening traumatic event: This does appear to be correct.
2. The person involved reacted with fear, helplessness or horror: Again, based on the available record, this does appear to be correct.
3. Recurrent or intrusive recollections: Although, _____ may be having recurrent or intrusive recollections, it appears that much of this has been of his own doing. Rather than trying to forget about his experience, which is much more common in an individual with post traumatic stress disorder, _____ has continued to contact individuals to try to justify the fact that he deserves the Medal of Honor. _____'s difficulty dealing with the attack on the Liberty, appeared to be much more due to the fact that he did not receive the Medal of Honor, than actual symptoms of post traumatic stress disorder.
4. Current dreams: There is no way, based on the records, to know whether this is true or not. This is based strictly off Mr. Lockwood's self report. _____ did not seek help for over thirty years for this problem, if he does have recurrent dreams.
5. Markedly diminished interest in other activities: Dr. _____ notes "the client devotes much of his time, attention and energy to the harrowing experiences that I have described in his belief that he has been abandoned by the United States Government because the attack was reportedly initiated by a reputably friendly government." In post traumatic stress

disorder, an individual that has diminished interest and activities has continued problems because of the trauma that they have suffered. In this case, it is [REDACTED] complaint that he has not been acknowledged for his heroic actions that are causing him problems. This is not indicative of post traumatic stress disorder, but rather bitterness over being unacknowledged for his actions.

6. Feeling of detachment and estrangement from others: This characteristic of post traumatic stress disorder, may be correct in this case. However, the fact that he has a poor work history, does not necessarily relate to his attack on the Liberty. [REDACTED] had several failed businesses. The majority of small business owners in the U.S. have had failures.

7. Restricted range of affect: There is no evidence that this is incorrect.

8. Difficulty concentrating: Dr. [REDACTED] noted "because of the interview material that [REDACTED] gave me, I believe that he becomes so preoccupied with issues associated with the Liberty that he does not think and concentrate effectively. As noted previously, [REDACTED] preoccupation with the liberty does not revolve around the fact that he was in a traumatic situation. It revolves around the fact that he feels the United States Government has not acknowledged his actions properly. This, in my opinion, is not a characteristic of post traumatic stress disorder.

The majority of individuals with post traumatic stress disorder, try to avoid thoughts, feelings or conversations associated with the trauma. They additionally often try to avoid activities, places or people that arouse recollections of the trauma. In this case, [REDACTED] is making no effort to avoid recollections around the trauma. He is contacting other members of the Command he was with and he is spending a great amount of effort to try to obtain a Medal of Honor.

The records available to me, did not have any psychiatric evaluations revealing that [REDACTED] suffered from depression or fatigue and anxiety neuroses.

His record from June 1972 states "Sx. Of anxiety and depression related to medical retirement from USMC after 13 years." There is no mention that his symptoms were related to his service, rather they were related to his retirement.

No records show that he has sought treatment for any psychiatric problems. He has only obtained one evaluation for the purpose of seeking compensation.

In summary, it is my opinion with reasonable medical certainty, that [REDACTED] has not provided adequate documentation to demonstrate that he suffers from post traumatic stress disorder, depression, or fatigue and anxiety neuroses. There is not sufficient to show that he suffered from these symptoms at the time of his discharge from the military [REDACTED] has failed in many of his business endeavors. He is getting closer to retirement age and appears to be suffering financially. [REDACTED] certainly has an external incentive

to now claim that he is suffering from these psychiatric symptoms so that he can obtain disability benefits.

[REDACTED]
[REDACTED]
[REDACTED] LCDR MC USNR